



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1603

Giovanni Ardito & David Pusztai
(Appellants)

v.

Secretary-General
of the International Seabed Authority
(Respondent)

JUDGMENT

Before:	Judge Nassib G. Ziadé, Presiding Judge Katharine Mary Savage Judge Abdelmohsen Sheha
Case Nos.:	2025-2008 & 2025-2024
Date of Decision:	31 October 2025
Date of Publication:	15 December 2025
Registrar:	Juliet E. Johnson

Counsel for Appellants:	Self-represented
Counsel for Respondent:	Steven Dietrich and Marcelino Miranda

JUDGE NASSIB G. ZIADÉ, PRESIDING.

1. On 24 February 2025, the Joint Appeals Board (JAB) of the International Seabed Authority (ISA) issued Decision ISBA/JAB/Joint Appellants/2025 (impugned Decision). In this Decision, the JAB denied a joint request for suspension of action made by Dr. Giovanni Ardito, Dr. David Pusztai, and two other former staff members of ISA.¹ These four individuals had sought to suspend ISA's termination of their appointments (contested decisions) and cessation of any recruitment or reclassification of their posts.
2. On 25 March 2025, Dr. Ardito filed an appeal of the impugned Decision with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal). This appeal was registered as Case No. 2025-2008.
3. On 25 May 2025, Dr. Pusztai also filed an appeal of the impugned Decision with the UNAT.² This appeal was registered as Case No. 2025-2024.
4. Given that Dr. Ardito and Dr. Pusztai challenged the same impugned Decision, the UNAT consolidated their cases for judgment by Order No. 611 (2025).³
5. For the reasons set forth herein, the UNAT dismisses both appeals as not receivable.

Facts and Procedure

6. On 18 December 2024, Dr. Ardito accepted a Letter of Appointment (LOA) for a fixed-term appointment with ISA of two years' duration as a Policy and Planning Officer (Capacity Development), at Grade P-3. The effective date of his appointment was 1 January 2025.
7. On that same day, Dr. Pusztai also accepted a two-year fixed-term appointment with ISA as a Legal Officer (Regulatory Affairs) at Grade P-4. The effective date of his appointment was 1 January 2025.

¹ *Khalilah Hackman, Jonathan Hall, Giovanni Ardito [and] David Pusztai v. Secretary-General of the International Seabed Authority*. Mr. Jonathan Hall also appealed the impugned Decision, which was decided by the Appeals Tribunal in *Jonathan Hall v. Secretary-General of the International Seabed Authority*, Judgment No. 2025-UNAT-1580.

² The appeal was refiled on 6 June 2025 at the request of the UNAT Registry to address certain formatting issues.

³ *Giovanni Ardito and David Pusztai v. Secretary-General of the International Seabed Authority*, Order No. 611 (2025), para. 7.

8. On 1 January 2025, a new Secretary-General of ISA assumed her position.
9. On 3 January 2025, a Staff Assistant for the Executive Office of the Secretary-General handed Dr. Ardito a letter informing him that his LOA had been withdrawn. Likewise, Dr. Pusztai received a letter from the Secretary-General that his appointment was withdrawn. Both letters contained the following identical paragraphs:⁴
- Upon a thorough review of our recruitment processes, it has come to our attention that the selection process for this position did not adhere to the established staff selection system and practices. Furthermore, in alignment with our ongoing commitment to fiscal responsibility and efficiency, as well as ISA’s human resource objectives for 2025, we must carefully assess our staffing commitments in light of the current financial situation.
- In light of these considerations, I regret to inform you that we are unable to proceed with the completion of the onboarding procedures for this position. As such, the letter of appointment previously issued to you by the former Secretary-General is hereby withdrawn.
10. On 6 January 2025, Dr. Ardito and Dr. Pusztai each submitted Requests for Review of the administrative decisions to “withdraw” their appointments to the Secretary-General.
11. On 7 January 2025, Dr. Ardito and Dr. Pusztai, together with two other similarly-affected staff, filed a joint application for suspension of action with the JAB.⁵
12. On 9 January 2025, the Secretary-General sent letters to all members of the JAB expressing appreciation for their invaluable contributions, but noting that as part of a strategic review, she “wish[ed] to restructure the secretariat and its internal boards and committees” which “include[d] re-appointment of new members and chairperson of the JAB”.⁶
13. That same day, Dr. Pusztai sent an e-mail to the Chair of the JAB expressing concern about the lack of acknowledgment or a procedural update regarding the joint suspension of action application.

⁴ 2 January 2025 letter from Secretary-General to Dr. Giovanni Ardito; 2 January 2025 letter from Secretary-General to Dr. David Pusztai.

⁵ In addition to Dr. Ardito and Dr. Pusztai, the other two former staff members were Ms. Khalilah Hackman and Mr. Jonathan Hall. See impugned Decision, para. 1.

⁶ See, e.g., 9 January 2025 letter from Secretary-General to the Chair of the JAB.

14. On 15 January 2025, Dr. Pusztai sent a follow-up e-mail to the Chair of the JAB noting that pursuant to Rule 14 of the JAB Rules of Procedure and Guidelines, a panel should have been constituted to address the joint application by no later than 14 January 2025.

15. That same day, the former Chair of the JAB advised that he was no longer the Chair and could not assist.⁷

16. On 23 January 2025, the Secretary-General issued Information Circular ISBA/ST/IC/2025/3 in which she named the new membership of the JAB.⁸

17. On 27 January 2025, Dr. Ardito and two of the other affected staff members filed a motion for interim measures with the UNAT.⁹

18. On 5 February 2025, the Secretary-General denied the Requests for Review of Dr. Ardito and Dr. Pusztai. In both cases, she stated that the “offer[s] of appointment made by the previous Secretary-General deviated from established recruitment procedures and practices of the International Seabed Authority”.¹⁰ She further advised that if the positions were re-advertised in the future, they would be automatically shortlisted without the need to reapply.

19. On 6 February 2025, the Secretary of the JAB notified the Secretary-General that the JAB had constituted a panel to consider the requests for suspension of action filed by Dr. Ardito, Dr. Pusztai and the other applicants.

20. On 19 February 2025, the UNAT issued Order No. 591 (2025) in which it dismissed the motion for interim measures as moot. The UNAT noted that ISA had reconstituted the JAB and a panel had been appointed to consider the requests for suspension of action.¹¹

Impugned Decision

21. On 24 February 2025, the JAB issued the impugned Decision.

⁷ Impugned Decision, para. 3.

⁸ *Ibid.*, para. 5.

⁹ Dr. Ardito was joined in this motion by Ms. Khalilah Hackman and Mr. Jonathan Hall.

¹⁰ 5 February 2025 memorandum from the Secretary-General, Subject: Request for a review of administrative decision concerning withdrawal of the letter of appointment.

¹¹ *Jonathan Hall, Khalilah Hackman, Giovanni Ardito v. Secretary-General of the International Seabed Authority*, Order No. 591 (2025), para. 37.

22. With respect to concerns raised about the new Chair of the JAB who was a former Judge of the UNAT, the JAB noted that under Article 3(6) of the Appeals Tribunal Statute (Statute), a judge of the Appeals Tribunal is not eligible for any appointment within the United Nations, except another judicial post, for a period of five years after concluding his or her term of office. The JAB opined that the intent of this Article is to prevent UNAT judges from assuming staff positions within the United Nations, not to preclude their participation in independent judicial bodies of international organizations operating under distinct mandates, such as the ISA JAB.¹²

23. The JAB recognized that there were delays created during the transitional period and acknowledged other concerns of the applicants regarding various procedures but did not consider these to have caused demonstrable prejudice.¹³

24. The JAB recalled that under the relevant ISA Staff Rule 11.2(c)(ii), a request for a suspension of action must meet two conditions: (i) the contested decision has not been implemented; and (ii) its implementation would result in irreparable injury. The JAB concluded that suspension of action was not possible because the contested decision – the withdrawal or termination of the appointments of Dr. Ardito and Dr. Pusztai and the two other similarly-affected staff – had already been executed.¹⁴

25. Moreover, the JAB concluded that the request to halt recruitment was moot because several of the positions were restructured and did not exist in the same form.¹⁵

26. The JAB thus dismissed the joint application for suspension of action because: “(a) the contested decisions, namely the withdrawal of the Appellants’ letters of appointment and the restructuring/reclassification exercise, have already been implemented; (b) there is no action left to suspend under ISA Staff Rule 11.2(c)(ii)”.¹⁶

27. Dr. Ardito filed an appeal of the impugned Decision on 25 March 2025, to which the Secretary-General responded with an answer on 26 May 2025.

¹² Impugned Decision, para. 37.

¹³ *Ibid.*, para. 43.

¹⁴ *Ibid.*, paras. 50 and 52.

¹⁵ *Ibid.*, para. 53.

¹⁶ *Ibid.*, para. 54.

28. Dr. Pusztai filed an appeal of the impugned Decision on 25 May 2025, to which the Secretary-General responded with an answer on 8 August 2025.

Submissions

Case No. 2025-2008

Dr. Ardito's Appeal

29. Dr. Ardito requests an oral hearing before the Appeals Tribunal “[i]n light of the myriad and intricacy of procedural violations and fundamental rights breaches perpetrated by the Secretary-General and the JAB”. Dr. Ardito submits that an oral hearing would “allow UNAT to interview key persons involved in the JAB Proceedings and ascertain responsibilities and violations [that] occurred”.¹⁷

30. Dr. Ardito submits that the impugned Decision should be quashed in light of the unlawful dismantling of the JAB and the resultant deprivation of his fundamental rights.

31. Dr. Ardito states that contrary to the urgency with which his suspension of action request should have been treated, pursuant to the JAB Rules, the JAB was defunct from 7 to 31 January 2025 while the Secretary-General dismantled and reconstituted the JAB.

32. Dr. Ardito claims that there should never have been any interference with the composition of the JAB, particularly by an interested party (the Secretary-General), when the JAB was already seized of the suspension of action application.

33. Dr. Ardito refers to the importance of access to justice as laid down in the Universal Declaration of Human Rights, and the jurisprudence of the United Nations Dispute Tribunal and the European Court for Human Rights. He claims that there was a blatant violation of his right to access to justice by the unprecedented irregularity of dismantling the JAB in the name of “leadership transition”.

34. Dr. Ardito argues that the Information Circular on reconstituting the JAB was filled with irregularities concerning the mandates of the members of the JAB, and that removing a judge without cause is a serious attack on the neutrality of a judicial body.

¹⁷ Dr. Ardito's appeal form, Section VI.

35. Dr. Ardito further submits that the appointment of a former UNAT Judge to be the new Chair of the JAB is a threat to the neutrality of the JAB. Dr. Ardito points to Article 4(4) of the Dispute Tribunal Statute (UNDT Statute) which provides that former UNAT Judges should not be appointed to first instance proceedings. This should have applied *mutatis mutandis* to the ISA JAB.

36. Dr. Ardito submits that the new JAB engaged in myriad procedural errors, such as failing to issue an order on the request to recuse the Chair, engaging in *ex parte* communications between the JAB Secretariat and the Administration, the JAB affording the Secretary-General more opportunities to supplement their Reply, granting the Secretary-General procedural extensions without notice to the applicants, and inventing arguments that the Secretary-General never made.

37. Dr. Ardito requests that the UNAT grant the appeal, quash the impugned Decision and order the Secretary-General to refrain from any further steps of withdrawing his appointment and recruiting a replacement.

38. Dr. Ardito also requests USD 10,000 for pecuniary damage (lost salary) for the period when the JAB was defunct, USD 10,000 for breach of his fundamental rights, and USD 5,000 for moral damages. Dr. Ardito also requests that the UNAT order the Secretary-General to issue a written apology to him for the serious breaches of his fundamental rights protected under the United Nations system of which ISA is a part.

The Secretary-General's Answer

39. The Secretary-General submits that Dr. Ardito's appeal is not receivable because it is an appeal against an interlocutory decision, and nothing in ISA Staff Rule 11.3 allows for an appeal of an interlocutory decision.

40. The Secretary-General argues that the jurisdiction of the UNAT to hear appeals against a "decision rendered by the [ISA's] neutral first instance process" should be interpreted consistently with Article 2(1) of the Statute, which allows for appeal of "judgments". Further, UNAT jurisprudence establishes that such judgments must be "final judgments".¹⁸

¹⁸ The Secretary-General refers to *Ashok Kumar Nigam v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1446.

41. The Secretary-General submits that the UNAT President plainly disagreed with Dr. Ardito's assertion that the JAB was not a neutral first-instance process, given that the President found the motion for interim measures moot once the JAB was reconstituted.

42. The Secretary-General argues that despite all of the alleged errors of procedure, Dr. Ardito has advanced no argument that the JAB acted extra-jurisdictionally in reaching its decision to deny the suspension of action application.

43. The Secretary-General submits that Dr. Ardito has failed to demonstrate any error on the part of the JAB. Pursuant to the jurisprudence of the UNDT, the JAB was required to consider whether the contested decision was *prima facie* unlawful, whether there was particular urgency to grant the request for suspension of action, and the irreparable damage that would be caused by implementation of the administrative action. The joint suspension of action request did not address any of these issues. Now, on appeal, Dr. Ardito's arguments have no bearing on the lawfulness of the impugned Decision.

44. The Secretary-General submits that decisions about the composition of the JAB are not administrative decisions subject to challenge before the UNAT.

45. The Secretary-General avers that while there was a delay in the adjudication of the suspension of action application, Dr. Ardito has not shown that this had a material consequence so as to invalidate the impugned Decision.

46. The Secretary-General contends that Dr. Ardito's arguments that the JAB did not act in a neutral manner are premised on the assumption that a neutral tribunal would have adjudicated in his favor.

47. The Secretary-General does not concede to any of the myriad procedural errors referenced by Dr. Ardito but submits that they fall far short of demonstrating any violation so as to alter the outcome of the impugned Decision.

48. The Secretary-General submits that ISA was not required to adhere to Article 4(4) of the UNDT Statute regarding the service of former Judges of the UNAT.

49. The Secretary-General requests that the Appeals Tribunal dismiss the appeal, deny all requested remedies, and award costs in favor of ISA.

Case No. 2025-2024

Dr. Pusztai's Appeal

50. Dr. Pusztai “reserves the right to request an oral hearing, which may be necessary to ventilate the evidence depending on what evidence the Respondent relies on (e.g., in the event witness examination is necessary)”.¹⁹

51. Dr. Pusztai requests that the Appeals Tribunal quash the impugned Decision.

52. Dr. Pusztai submits that the Secretary-General unlawfully dismantled the JAB resulting in a deprivation of his fundamental rights. The Secretary-General unlawfully interfered with the JAB by dismissing the Chair of the JAB for no reason. The Secretary-General’s actions in dismantling the JAB resulted in no action being taken on the joint suspension of action application for effectively one month, despite the urgent nature of such application.

53. Dr. Pusztai avers that access to justice is a fundamental principle of the rule of law, as set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and in the jurisprudence of the United Nations Dispute Tribunal. He alleges that this “Kafkaesque sequence of events” triggered by the Secretary-General blatantly violated this principle.

54. Dr. Pusztai contends that the Secretary-General also unlawfully interfered with his due process rights in the manner in which she altered the composition of the JAB, including installing a former UNAT Judge as its Chair, in violation of Article 4(4) of the UNDT Statute.

55. Dr. Pusztai claims that the manner in which the JAB operated also deprived him of his fundamental procedural rights, including, the JAB’s failure to address the request for disqualification of certain members, the JAB Secretariat creating a shared folder of information that shared information to members of the ISA Administration, affording the Secretary-General additional time to proffer evidence and arguments, but denying applicants such extensions, engaging in repeated *ex parte* correspondence with the Secretary-General, adopting wholesale the Secretary-General’s arguments and inventing new arguments in favor of the Secretary-General, and failing to disclose certain materials to the applicants.

¹⁹ Dr. Pusztai’s appeal form, Section VI.

56. Dr. Pusztai requests that in addition to quashing the impugned Decision, the UNAT award him a minimum of USD 10,000 for breach of his fundamental due process rights and a minimum of USD 5,000 in moral damages, order the Secretary-General to issue a public written apology to him for the breaches of such rights, and order any other sum that the UNAT deems appropriate.

The Secretary-General's Answer

57. The Secretary-General submits that the JAB has not issued a final judgment on Dr. Pusztai's appeal, and as such, this interlocutory appeal is not receivable. Nothing in ISA Staff Rule 11.3 establishes a right for current or former ISA staff members to appeal interlocutory decisions of the JAB.

58. The Secretary-General argues that the Appeals Tribunal has dismissed the interlocutory appeal in *Jonathan Hall v. Secretary-General of the International Seabed Authority*, and this appeal of Dr. Pusztai should be dismissed for the same reasons.

59. The Secretary-General further argues that Dr. Pusztai's appeal is not receivable *ratione temporis*. The impugned Decision was issued on 24 February 2025, and Dr. Pusztai was required to file an appeal within 60 days. However, the Secretary-General asserts that Dr. Pusztai did not file his appeal until 9 June 2025 (the date the Registry transmitted the re-filed appeal to ISA).

60. The Secretary-General reiterates her arguments against Dr. Ardito's appeal, as summarized in paragraphs 43-47 of this Judgment.

61. The Secretary-General submits that Dr. Pusztai is not entitled to any remedies and that his appeal should be dismissed as not receivable.

62. The Secretary-General requests an award of costs in favor of ISA.

Considerations

63. The threshold issue in each of these consolidated appeals is whether they are receivable.

64. The Appeals Tribunal's jurisdiction is defined by its Statute, and in matters involving a specialized agency such as ISA it is also impacted by the terms of the Special Agreement between the United Nations and ISA.²⁰

65. We recall that in another appeal arising out of the same impugned Decision, *Jonathan Hall v. Secretary-General of the International Seabed Authority*, the Appeals Tribunal directly addressed the issue of whether an appeal from that interlocutory JAB ruling denying a request for suspension of action was receivable. The Tribunal held that "[a]n appeal from such an interlocutory decision is not within the limited jurisdiction of the Appeals Tribunal. (...) Rather, an aggrieved party must wait for final resolution of the matter before an appeal may be perfected".²¹

66. The limited exception to this rule may arise when the decision of the JAB exceeds its competence or its jurisdiction.²² However, that exception does not apply to the impugned Decision challenged here. The JAB is specifically empowered by the ISA Staff Rules to rule on a request for suspension of action.²³ The Appeals Tribunal has held that the JAB acted within its jurisdiction and competence with regard to Mr. Hall. The same action with respect to Dr. Ardito and Dr. Pusztai (in the same impugned Decision) was likewise within the JAB's jurisdiction and competence. There is thus no basis for the Tribunal to consider this matter unless and until there is a timely application from a decision on the merits.²⁴ Such an application could, if appropriate, advance the due process issues currently raised by Dr. Ardito and Dr. Pusztai.

67. Having reached this conclusion, we find it unnecessary to hold oral hearings, as requested by Dr. Ardito and Dr. Pusztai. Such hearings would not assist in the expeditious and fair disposition of the case.²⁵ Moreover, there is no justification to hold oral hearings when receivability, which is a legal issue, is mainly in dispute.²⁶

68. We also deny the Secretary-General's request for an award of costs. The Secretary-General has not even attempted to demonstrate that either appellant has "manifestly abused the appeals

²⁰ Article 2(10) of the Statute; *Jonathan Hall* Judgment, *op. cit.*, paras. 78 and 83.

²¹ *Jonathan Hall* Judgment *op. cit.*, para. 83.

²² *Ibid.*, para. 84.

²³ ISA Staff Rule 11.2(c)(i) and (ii).

²⁴ *Jonathan Hall* Judgment, *op. cit.*, para. 84.

²⁵ Article 18(1) of the Appeals Tribunal Rules of Procedure.

²⁶ *Philippe Schifferling v. Secretary-General of the United Nations*, Judgment No. 2024-UNAT-1499, paras. 47-51.

process”, as required by the Statute for such relief.²⁷ The Tribunal denied a request for costs in the related *Hall* appeal, and we reach the same conclusion here.²⁸

²⁷ Article 9(2) of the Statute.

²⁸ *Jonathan Hall* Judgment, *op. cit.*, para. 85; see also *Eduardo Alvear v. Secretary General of the International Civil Aviation Organization*, Judgment No. 2024-UNAT-1464, para. 72.

Judgment

69. Dr. Ardito's appeal and Dr. Pusztai's appeal are both dismissed as not receivable.

Original and Authoritative Version: English

Decision dated this 31st day of October 2025 in New York, United States.



Judge Ziadé, Presiding



Judge Savage



Judge Sheha

Judgment published and entered into the Register on this 15th day of December 2025 in New York, United States.



Juliet E. Johnson, Registrar